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FILED  
CLERK, U.S. DISTRICT COURT  
12 JUN 02 AM 9:45  
DISTRICT OF UTAH  
BY:                       
DEPUTY CLERK

ATTORNEYS FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

-----  
D.L.S.,

Plaintiff,

vs.

STATE OF UTAH; UTAH COUNTY,  
a government entity; C. KAY BRYSON,  
Utah County Attorney; AMERICAN  
FORK CITY, a municipal corporation,  
and JAMES "TUCKER" HANSEN,  
Prosecutor, American Fork City,

Defendants.  
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Civil No.

2 02 C V - 0565 K  
2:02 - CV -                     

MOTION FOR LEAVE TO  
PROCEED USING PSEUDONYM

Plaintiff, D.L.S., through counsel, Brian M. Barnard and James L. Harris, Jr. of the Utah  
Legal Clinic, moves this Court as follows:

(1) This action a challenge to Utah statute (Ut. Code Ann. § 76-5-403 (1953 as



amended)) which prohibits sodomy between consenting unmarried heterosexual parties, occurring in private and non-commercially as an unconstitutional violation of plaintiff's right to expression, right to privacy and right to equal protection of the law.

(2) Plaintiff believes that use of plaintiff's true, full and correct names may cause harm to plaintiff.

(3) Plaintiff is willing to comply with any appropriate order from the Court with regard to allowing plaintiff to proceed through the use of a pseudonym.

**WHEREFORE**, plaintiff requests leave to proceed in this action by the use of a pseudonym, initials D.L.S.

DATED this 11<sup>th</sup> day of JUNE 2002.

UTAH LEGAL CLINIC  
Attorneys for Plaintiff

by 

BRIAN M. BARNARD  
JAMES L. HARRIS, JR.

**CERTIFICATE OF MAILING**

I hereby certify that I caused to be mailed a true and correct copy of the foregoing  
MOTION FOR LEAVE TO PROCEED USING PSEUDONYM and the supporting  
MEMORANDUM to:

MARK SHURTLEFF  
ATTORNEY GENERAL  
236 STATE CAPITOL  
Salt Lake City, Utah 84114

C. KAY BRYSON  
Utah County Attorney  
100 E Center Street #2100  
Provo, Utah 84606

JAMES H. "TUCKER" HANSEN  
City Attorney for American Fork  
306 West Main Street  
American Fork, Utah 84003

on the 11<sup>TH</sup> day of JUNE 2002, postage prepaid in the United States Postal Service.

UTAH LEGAL CLINIC  
Attorneys for Plaintiff

by 

BRIAN M. BARNARD